

FILED

MAY - 3 2023

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
RICHARD BARBER,)
)
Defendant.)

4:23CR232 SRC/JMB

MOTION FOR PRETRIAL DETENTION AND HEARING

The United States of America, by and through its Attorneys, Sayler Fleming, United States Attorney for the Eastern District of Missouri, and Michael K. Hayes, Assistant United States Attorney for the District, moves the Court to order Defendant detained pending trial and further requests that a detention hearing be held three days from the date of Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq.

As and for its grounds, the United States of America states as follows:

1. Defendant is currently charged with committing a Hobbs Act Robbery, using a firearm in furtherance of said Hobbs Act Robbery, and being a felon in possession of a firearm.
2. Pursuant to Title 18, United States Code, Section 3142(g)(1), the nature and circumstances of the charged offense warrant pre-trial detention. On February 11, 2023, Defendant entered a Gas Mart in North St. Louis County, selected a beer from the refrigerator, and proceeded to the checkout area. He then withdrew a semi-automatic pistol, pointed it at the cashier, and calmly ordered the cashier to empty the cash register. Two days later, Defendant wrecked his vehicle, and a firearm was recovered.

3. Pursuant to Title 18, United States Code, Section 3142(g)(2), the weight of the evidence supports pre-trial detention. The entirety of the Hobbs Act Robbery was captured on video, from multiple camera angles. Surveillance video also shows Defendant arriving and leaving in a car that was registered to him. Defendant wrecked the same car two days later, and a firearm was recovered. The recovered firearm closely resembles the one used in the robbery. Police also recovered clothing which matches clothing worn during the robbery. Defendant's federal probation officer identified Defendant in the video.

4. Pursuant to Title 18, United States Code, Section 3142(g)(3), Defendant's criminal history consists of the following convictions and sentences:

2193R-03597-01: Robbery 1st Degree/Armed Criminal Action – 20 years DOC (1994)
22931-01550-01: Possession of a Controlled Substance – 15 years DOC (1994)
09SL-CR08121-01: Felony Stealing/Unlawful Use of a Weapon – 3 years DOC (2010)
4:14 CR00128 JAR: Felon in Possession of a Firearm – 100 months BOP (2014)

5. Pursuant to Title 18, United States Code, Section 3142(g)(4), Defendant should be detained pending trial, due to the danger he poses to the community. Given his prior convictions, and the nature and circumstances of the present offense, no alternative set of restrictions will be sufficient to protect the public.

WHEREFORE, the United States requests this Court to order Defendant detained prior to trial, and further order a detention hearing three (3) days from the date of Defendant's initial appearance.

Respectfully submitted,

SAYLER FLEMING
United States Attorney

/s/ Michael K. Hayes
Michael K. Hayes #61395 (MO)
Assistant United States Attorney